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Publications

A GUIDE TO **Great Lakes** Shoreline Approvals



in

Ontario





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A GUIDE TO
Great Lakes
Shoreline
Approvals
in
Ontario

Prepared for the
Waterfront Regeneration Trust
by Tija Luste and Marsha Paley
May 1996

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Introduction

ecosystem

air, land, water and living organisms, including humans, and the interactions among them

erosion

process of removal of shoreline and backshore material by natural processes (wind or water action)

Shorelines play many important roles as part of complex and dynamic natural coastal ecosystems. They provide habitat for all kinds of plants and animals, and they function to buffer and absorb the wave energy of the lake.

Most of the north shore of Lake Ontario is subject to irreversible erosion – through wave action, the lakebed is eroded along the shoreline, and the shore sags and falls away where it is no longer supported. As the towns and cities of southern Ontario have developed, houses and other structures have been built along the shoreline of Lake Ontario, and many of these now require protection from erosion hazards.

Erosion protection methods used in the past have often been poorly designed, resulting in structural failure, expensive maintenance, and degraded water quality, as well as destruction of the natural habitat and beauty of the shoreline.

Today, new and better shoreline treatment methods exist. Using an ecosystem approach – which means considering all the opportunities and consequences of your work-carefully designed treatments can be effective against long term erosion, can provide for aquatic habitat, and need not negatively impact your shoreline neighbours.



What can this guide do for you?

The shoreline approvals process takes an average of 3-6 months. If your proposal is complex, over 10 pieces of legislation can be involved before the work is done. Failure to meet the requirements of the legislation could result in a fine or removal of the structure at your expense.

This guide provides information regarding:

- The basic questions to ask yourself throughout the process.
- The relevant legislation and permits required.
- The agencies to contact.
- Other sources of information.

Outline of this guide

Part I: Getting Started

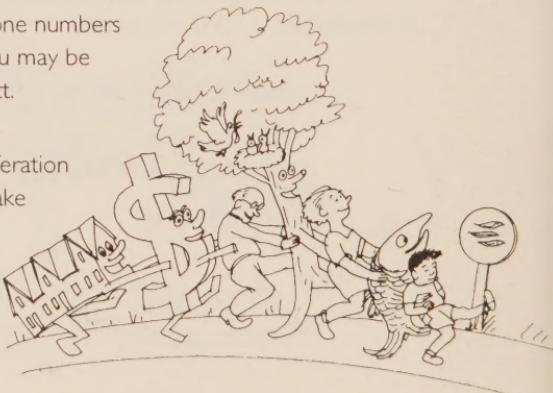
- description of an ecosystem approach to shoreline treatment.
- questions you should ask yourself before you start.
- specific pamphlets you may wish to read on shoreline works.

Part II: Legislation & Approvals

- the current state of legislation and approvals requirements for shoreline works.

Part III: For More Information

- addresses and phone numbers of the agencies you may be required to contact.
- publications of the Waterfront Regeneration Trust about the Lake Ontario shoreline and the waterfront in general.



Part I: GETTING STARTED

Before you visit approval agencies and request the necessary forms and applications, it is important to have an image of your proposed project, if only in your mind. The following discussion of an ecosystem approach will help get you started thinking about your options.

What is an ecosystem approach to the shoreline?

An ecosystem approach recognizes that humans are part of ecosystems, and that everything – environmental, economic, and social – is connected to everything else.

So how do you put this into practice for shoreline treatment?

First, learn about your shoreline:

You can only make informed decisions about what is appropriate for your shoreline when you understand how it functions. What are erosion rates? Is the shore type a low bluff or a high bluff? Are there important nesting or spawning areas nearby? Read about your shoreline in the reports listed at the back of this guide.

**bluff**

a shoreline feature where the land rises steeply away from the water, generally to an elevation greater than two metres

Establish the need for your project, and possible alternatives:

Take a step back and ask yourself why you want to do this in the first place. Can the project be avoided through other means (e.g., relocating a threatened building)? If the objective can be achieved another way, much of the permit process may be avoided altogether.

Single-objective versus multiple-objective focus:

Once you've established the main objective, your project can be enhanced to provide additional benefits. Erosion protection, aquatic and terrestrial habitat, access for your family to the water's edge, and a scenic view of the Lake are not mutually exclusive. A plan that works towards all these objectives will add value to the shoreline ecosystem.

Try bioengineering:

Bioengineering involves designing structures to look and function like nature, including using rocks of differing sizes instead of all the same size, and using bundles of roots and brush to stabilize a slope. These techniques can be incorporated along many sections of the Lake Ontario shoreline.



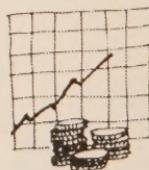
bioengineering
human engineering activities which are designed to appear and function as an element of nature

Work with your neighbours:

 What you do to your shoreline affects your neighbours up and down the lake, and you are legally responsible for any damage your project causes to others. Work with your neighbours to design a shoreline treatment that works for all of you – you will find more opportunities to add ecosystem value, you will save money in the long term, and you will receive greater acceptance and more timely approvals for your project.

Consider long term costs and benefits:

Consider all the costs and benefits, present and future, of your project, including maintenance costs, and access, habitat and aesthetic benefits. The natural conditions of Lake Ontario necessitate ongoing maintenance for any shoreline works. Design a structure with maintenance requirements in mind.



Additional information on designing and building a shoreline structure

This guide is intended to complement other documents already available. For more information, specifically about designing and building your project, consult the following documents:

- ◆ Working Around Water – What you should know
(Ministry of Natural Resources)
- ◆ Preserving and Restoring Natural Shorelines
(Agdex 570) (Ministry of Natural Resources)
- ◆ Buyer's Guide to Great Lakes Shoreline Property
(Environment Canada)
- ◆ Guidelines for Evaluating Construction Activities Impacting on Water Resources
(Ministry of Environment and Energy)
- ◆ Protecting Your Shoreline Naturally!
(Fish & Wildlife Habitat Project, Hamilton Harbour Remedial Action Plan)



These publications are available at the reference library of the Waterfront Regeneration Trust, or you can contact the individual agencies for your own copy. There may be other fact sheets and brochures with specific relevance to your stretch of shoreline. Visit your local Conservation Authority or Ministry of Natural Resources office for more information.

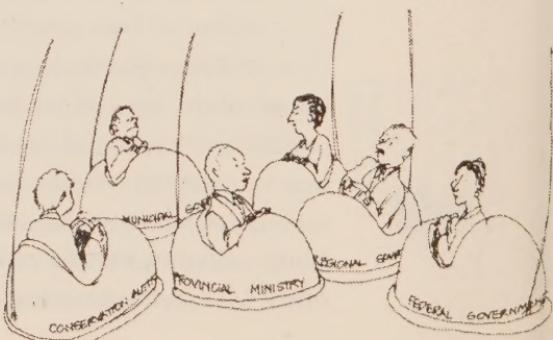
Part II: LEGISLATION & APPROVALS

Most projects along the shoreline require a permit under one or more of three basic pieces of legislation. These permits are the responsibility of the Ministry of Natural Resources. However, in many cases, the MNR will have an agreement with the Conservation Authority to administer the permit. Visit your Conservation Authority to find out which permits they issue.

I. Lakes and Rivers Improvement Act

If the proposed project is in, or connected to, a lake or river, or if it will hold back, forward or divert water, and if regulations have been enacted, then a permit will be required under the *Lakes and Rivers Improvement Act*.

- Ask your Conservation Authority or local MNR office if regulations have been enacted that require you to get a permit. If so, obtain an application.
- Briefly outline your project to the staff, and determine if an environmental study will be required. This will require special work, and should be done in consultation with the agency.
- The completed form should include a detailed sketch showing: (i) the size and shape of your property; (ii) where on your property the work is to take place; and (iii) the changes, including construction, you wish to make.
- Your work permit may have conditions and restrictions identified on it and you may be required to get approval from other agencies, such as:
 - Canadian Coast Guard;
 - Ministry of the Environment and Energy;
 - your local municipality.



bed of water
land submerged under the water

tenure
a legal right, term or mode of holding or occupying

indemnity
a collateral contract by which one person engages to secure another against an anticipated loss; this term pertains to liability for loss shifted from one person held legally responsible to another person

II. Public Lands Act

If the proposed structure will be in the water, and the bed of water is owned by the Crown (the beds of most lakes and rivers in Ontario are owned by the Crown), and if regulations have been enacted, then you will require a permit under the *Public Lands Act*.

- Ask your Conservation Authority or local MNR office if regulations have been enacted that require you to get a permit.
- If so, submit a completed application form and detailed sketch of the proposed project to the Conservation Authority and/or MNR for review.
- You may have to complete additional legal documents, such as a tenure document or an indemnity agreement. Ask the staff if this is the case.
- Conservation Authority or MNR staff may inspect the site as part of the application review.
- You will be required to meet specific requirements in notifying your neighbours of anticipated work as a condition of the permit.
- If an application is approved with modifications, or declined, you have the opportunity to appeal the decision as set out in Ontario Regulation 254/89.



express grant
a grant (of any kind)
by express provision
or enactment of a
law

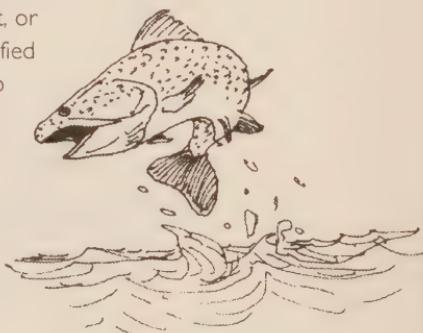
At the same time, if your land borders a navigable body of water (Lake Ontario and many rivers and creeks that empty into it are navigable bodies of water), you may require an express grant in order to gain title or use of that bed or body of water, under the *Beds of Navigable Waters Act*. Applications under this piece of legislation are made in conjunction with applications under the *Public Lands Act*.

- Ask whether or not you require an express grant when you obtain the Public Lands Act application.
- If an express grant is required, you will have to submit an application to either the Ministry of Natural Resources, or the Federal Department of Transport, depending on who owns the bed of the waterway.

III. The Fisheries Act

If the activity will result in the disruption or destruction of fish habitat (fish habitat includes almost any area covered by water), then you will require a permit under the *Fisheries Act*. The Act is under the jurisdiction of the Federal Department of Fisheries and Oceans, but is administered by the Ontario Ministry of Natural Resources.

- The MNR will require plans and other information relating to the work in order to determine the potential impacts on fish habitat, and appropriate mitigation measures.
- After your plan has been reviewed, you may be required to modify it, or restrict construction to specified times of the year, in order to address concerns identified by the MNR.



fish habitat
fish are defined
under the Fisheries
Act as including
shellfish, crustaceans,
marine animals, parts
of fish, and their eggs,
sperm, spawn, larvae,
and juvenile stage-
animals; habitat is
defined as spawning
grounds and nursery,
rearing, food supply
and migration areas
on which fish depend
directly or indirectly
to carry out their life
processes

mitigation
a process of
alleviating or
minimizing adverse
impacts of a project
on the environment

Other Legislation

In addition to the approvals already described, there may be additional permits required for:

- work across navigable water;
- dredging or filling activities;
- work within designated fill lines;
- certain construction activities (water works or sewage works);
- changes in land use;
- removal of plant material.



Navigable Waters Protection Act

If the work takes place in, through, or across any navigable water, you may require a permit from Transport Canada under the *Navigable Waters Protection Act*.

- Contact Transport Canada to determine whether your project is likely to require this permit.
- An application must include a letter that describes the work, its location and anticipated time of construction. You should include plans showing the extent of the project below the high water mark.
- These documents should be submitted to Transport Canada, and a duplicate copy provided to the office of the registrar of deeds for the district or the county in which the work is proposed. You will be required to pay an application fee.
- You may be required to place notice for one month in the Canada Gazette, and two local newspapers.
- The main criteria used to assess an application is the degree to which the work will interfere with the public right of navigation.
- Once approved, the construction of the work must begin within six months and be completed within a fixed time period. You must notify Transport Canada of any changes that would affect functional or safety conditions.

aggregate

mass of particles in soil collected into one body, usually referring to sand and gravel deposits

Aggregate Resources Act

If the proposed project requires the operation of a pit or quarry on land owned by the Crown or on land under water, or the removal of sand from a beach, bank, or bed of any lake, river or stream, you may require a Personal Permit under the *Aggregate Resources Act*.

- Written consent must be secured from your local municipality before you can remove sand from a beach, bank, or bed of any lake, river or stream for your own use.
- An application form must be filled out, and submitted to your municipality, along with a site plan.
- You may have to advertise that a permit has been applied for in two consecutive issues of a newspaper.

Fill, Construction and Alteration to Waterways Regulations

If the proposed project takes place within any designated fill lines or within any area subject to flooding, you may require a permit from the Conservation Authority under their *Fill, Construction and Alteration to Waterways Regulations*.

- You may require a permit for new construction of any sort (i.e., house, garage, swimming pool, greenhouse, etc.), the renovation of existing buildings, alteration of a watercourse in any way, or the placement of fill.
- Visit your local Conservation Authority to find out whether any regulations apply to your shoreline. Where no Conservation Authority exists, similar approvals may be required from the Ministry of Natural Resources.



Environmental Protection Act

If your project involves the deposition of waste “upon, in, into or through any land or land covered by water or in any building that is not a waste disposal site” (this includes all lake filling structures), you will require a certificate of approval under the *Environmental Protection Act*. This Act also applies to any project which installs, alters or affects any sewage system.

- A detailed set of information must be provided to the Ministry of Environment and Energy. There may be an application fee.
- The MOEE may refuse to issue a certificate of approval, or may issue a certificate of approval with terms and conditions, to ensure that the result will be in compliance with the Act.



Ontario Water Resources Act

If the proposed project involves hydraulic dredging and/or open water disposal of dredged material, or if it alters or establishes water works or sewage works, a certificate of approval and/or a permit to take water are required by the MOEE, under the *Ontario Water Resources Act*.

- “Water works” may include any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works.
- An application must be filled out and filed with the Ministry of Environment and Energy. Submissions generally take several months before a certificate of approval is obtained. It is therefore in your best interest to make sure that an application is submitted at the earliest possible stage of a project and that the application provides sufficient information for its evaluation.
- The Director at the MOEE may require you to submit plans, specifications, engineer’s report and other information and to carry out and report on tests or experiments relating to the work.

Official Plan amendment or zoning by-law change

If your project involves a change in land use, you may require an Official Plan amendment or zoning by-law change.

- Visit your local municipal planning office to determine how the Official Plan designates your property. You will need to prepare an application, and then it will be circulated amongst the relevant agencies for review.
- An amendment must be approved by your municipal Council, and you will have an opportunity to make a presentation in support of your proposal.

Municipal Act

You may require a special permit or a building permit from your municipality if the proposed work takes place over any public shore where your municipality has passed a by-law requiring approvals and permits under the *Municipal Act*.

- A building permit is required if you are planning to construct any new structure, alter or renovate a building, excavate or construct a foundation, or put up a temporary building, mobile home or pre-fab structure. A building permit is also required if retaining walls are to be constructed.
- An application must be filled out from the building department or from the building official in your municipality.
- It is also required that sketches, building drawings, plans and other documents be submitted to the municipality for processing. Application fees may be required.





Trees Act

If your project involves the removal of plant material or the clearing of land, you may require a permit if a municipal tree-cutting by-law has been passed under the *Trees Act*. A municipality may pass a by-law under the *Trees Act*, controlling the removal of trees of certain species and sizes. A by-law amendment may be required to remove trees that are in the shore zone. Exceptions exist and are listed in Section 5(1) of the *Trees Act*.

- Visit your local municipality planning department to see if a trees by-law exists that is relevant to your property.

Environmental Assessment Act

You may require an environmental assessment under the *Environmental Assessment Act* if your project is large scale, or could be considered to have a large impact on the environment and neighbouring communities.

- Contact the Ministry of Environment and Energy if you are unsure whether your project qualifies for an EA. At this time the Act generally does not apply to shore works conducted by private landowners.

Part III: FOR MORE INFORMATION

Contact List

FEDERAL GOVERNMENT

Department of Fisheries and Oceans
Central Region-Bayfield Institute
867 Lakeshore Road
P.O. Box 5050
Burlington, Ontario L7R 4A6
Tel. 905-336-4873

Environment Canada
867 Lakeshore Road
P.O. Box 5050
Burlington, Ontario L7R 4A6
Tel. 905-336-4981 (General Inquiries)

Transport Canada
Canadian Coast Guard-Central Region
Ste. 703, 201 Front Street N.
Sarnia, Ontario N7T 8B1
Tel. 519-383-1865

Canadian Environmental Assessment Agency
Fontaine Building
200 Blvd. Sacre-Coeur
14th floor
Hull, Quebec K1A 0H3
Tel. 819-997-2726
Fax 819-994-1469

PROVINCIAL GOVERNMENT

Ministry of Natural Resources

Greater Toronto Area District
(incl. Regional Municipalities of Halton, Peel, and Durham)
P.O. Box 7400,
10401 Dufferin St.
Maple, Ontario L6A 1S9
Tel. 905-832-7200

Lindsay Area Office
(incl. Townships of Hope, Hamilton, Haldimand, and Cramahe)
322 Kent Street West
Lindsay, Ontario K9V 4T7
Tel. (705) 324-6121
(This office will be moving to the Peterborough Area in late 1996).

Napanee Area Office
(incl. Township of Brighton)
1 Richmond Boulevard
Napanee, Ontario K7R 3M8
Tel. 613-354-2173

Ministry of the Environment and Energy

Central Regional Office
(incl. Regional Municipalities of Halton, Peel, and Durham)
4th Floor, 7 Overlea Boulevard
Toronto, Ontario M4H 1A8
Tel. 416-424-3000

Kingston Regional Office
(incl. County of Victoria,
Northumberland and Port
Hope)
Box 820, 133 Dalton Avenue
Kingston, Ontario K7L 4X6
Tel. 613-549-4000

**Ministry of Municipal Affairs
and Housing**
(contact your local municipality
listed below)

MUNICIPALITIES
Regional Municipality of
Halton
1151 Bronte Road
Oakville, Ontario L6J 6E1
Tel. 905-825-6000
Fax 905-825-8838

City of Burlington
Box 5013, 426 Brant Street
Burlington, Ontario L7R 3Z6
Tel. 905-335-7777
Fax 905-335-7881

Town of Oakville
Box 310, 1225 Trafalgar Road
Oakville, Ontario L6J 5A6
Tel. 905-845-6601
Fax 905-338-4414

Regional Municipality of Peel
10 Peel Centre Drive
Brampton, Ontario L6T 4B9
Tel. 905-791-9400
Fax 905-791-9528

City of Mississauga
300 City Centre Drive
Mississauga, Ontario L5B 3C1
Tel. 905-896-5000
Fax 905-896-5220

City of Etobicoke
City Hall, 399 The West Mall
Etobicoke, Ontario M9C 2Y2
Tel. 416-394-8000
Fax 416-394-8895

City of Toronto
100 Queen Street West
Toronto, Ontario M5H 2N2
Tel. 416-392-9111
Fax 416-392-6990

City of Scarborough
Civic Centre,
150 Borough Drive
Scarborough, Ontario M1P 4N7
Tel. 416-396-7111
Fax 416-396-5395

Town of Pickering
1 The Esplanade
Pickering, Ontario L1V 6K7
Tel. 905-683-2760
Fax 905-420-0515

Municipality of Metropolitan
Toronto
55 John Street, 7th Floor
Toronto, Ontario M5V 3C6
Tel. 416-392-8000
Fax 416-392-2980

Regional Municipality of
Durham
Box 623
605 Rossland Road East
Whitby, Ontario L1N 6A3
Tel. 905-668-7711
Fax 905-668-9963

Town of Ajax
65 Harwood Avenue South
Ajax, Ontario L1S 2H9
Tel. 905-683-4550
Fax 905-686-8352

Town of Whitby
575 Rossland Road East
Whitby, Ontario L1N 2M8
Tel. 905-668-5803
Fax 905-686-7005

City of Oshawa
50 Centre Street South
Oshawa, Ontario L1H 3Z7
Tel. 905-725-7351
Fax 905-436-5697

Municipality of Clarington
40 Temperance Street
Bowmanville, Ontario L1C 3A6
Tel. 905-623-3379
Fax 905-623-4169

Township of Hope
Box 85, County Road #10
Port Hope, Ontario L1A 3V9
Tel. 905-753-2229
Fax 905-753-2434

Town of Port Hope
Box 117, 56 Queen Street
Port Hope, Ontario L1A 3V9
Tel. 905-885-4544
Fax 905-885-7698

Township of Hamilton
Box 1060
Cobourg, Ontario K9A 4W5
Tel. 905-342-2810
Fax 905-342-2818

Town of Cobourg
55 King Street West
Cobourg, Ontario K9A 2M2
Tel. 905-372-4301
Fax 905-372-1533

Township of Haldimand
Box 70
Grafton, Ontario
K0K 2G0
Tel. 905-349-2822
Fax 905-349-3259

Township of Cramahe
Box 39
Castleton, Ontario K0K 1M0
Tel. 905-344-7352
Fax 905-344-5040

Township of Brighton
R.R.#7
Trenton, Ontario K8V 5P4
Tel. 613-475-2894
Fax 613-475-2599

Town of Brighton
Box 189, 36 Alice Street
Brighton, Ontario K0K 1H0
Tel. 613-475-0670
Fax 613-475-3453

Township of Murray
R.R.#1
Trenton, Ontario K8V 5P4
Tel. 613-392-4435
Fax 613-392-7151

Northumberland County
860 William Street
Cobourg, Ontario K9A 3A9
Tel. 905-372-0141
Fax 905-372-3046

CONSERVATION AUTHORITIES

Halton Region Conservation Authority
2596 Britannia Road West
R.R.#1 Milton, Ontario
L9T 2X6
Tel. 905-336-1158
Fax 905-336-7014

Credit Valley Conservation
1255 Derry Road West
Mississauga, Ontario L5G 6R4
Tel. 905-670-1615
Fax 905-670-2210

Metro Toronto and Region Conservation Authority
5 Shoreham Drive
Downsview, Ontario M3N 1S4
Tel. 416-661-6600
Fax 416-661-6898

Central Lake Ontario Conservation Authority
100 Whiting Avenue
Oshawa, Ontario L1H 3T3
Tel. 905-579-0411
Fax 905-579-0994

Ganaraska Region Conservation Authority
Box 328
Port Hope, Ontario L1A 3W4
Tel. 905-885-8173
Fax 905-885-9824

Lower Trent Region Conservation Authority
441 Front Street
Trenton, Ontario K8V 6C1
Tel. 613-394-4829
Fax 613-394-5226

Other publications of the Waterfront Regeneration Trust

- ◆ A Natural Heritage Strategy for the Lake Ontario Greenway. 1995.
- ◆ A Place to Walk: A Naturalist's Journal of the Lake Ontario Waterfront Trail. 1995.
- ◆ Design on the Waterfront: Linking People, Places and Nature – Workshop Proceedings. 1994.
- ◆ Ecosystem Approach to Shoreline Treatment – Workshop Proceedings. 1994.
- ◆ Lake Ontario Greenway Strategy. 1995.
- ◆ Lake Ontario Greenway Strategy: Next Steps. 1995.
- ◆ Lake Ontario Waterfront Experiences. 1995.
- ◆ Restoring Natural Habitats: A Manual for Habitat Restoration in the Greater Toronto Bioregion. 1995.
- ◆ Shore Management Opportunities for the Lake Ontario Greenway. 1996.
- ◆ The Lake Ontario Waterfront Trail Interpretation Plan. 1995.
- ◆ The Waterfront Trail: Explore Yesterday, Today and Tomorrow Along the Shores of Lake Ontario. 1995.
- ◆ Tourism, Recreation and Economic Opportunities for the Lake Ontario Greenway. 1995.

For more information, or to order one of these publications, contact the Waterfront Regeneration Trust at (416) 314-9490, or by fax at (416) 314-9497, or by e-mail at info@wrtrust.com.

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Do you own waterfront property on the Great Lakes in Ontario?

Are you considering renovating or installing erosion protection?

Would you like to enhance the habitat and attractiveness of your shoreline?

A *Guide to Great Lakes Shoreline Approvals in Ontario* shows how you can use an ecosystem approach to enhance habitat, reduce maintenance costs, and add value to your property.

This Guide also includes a description of relevant legislation and the approvals you might be required to obtain. It lists other sources of information, and includes a contact list of federal, provincial, and municipal offices with jurisdiction over the Lake Ontario shoreline between Hamilton and Trenton.



Waterfront Regeneration Trust

207 Queen's Quay West, Suite 580
Toronto, Canada M5J 1A7

Telephone 416 314-9490

Facsimile 416 314-9497